



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,794	06/06/2002	Tetsuhiro Sakamoto	7246/64549	7655
530 7590 04/16/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER KAMAL, SHAHID				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/019,794

Applicant(s)

SAKAMOTO, TETSUHIRO

Examiner

SHAHID KAMAL

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 03/24/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Applicant's election without traverse of Group I (Claims 1-34 and 44), filed on January 11, 2008 is acknowledged.
2. Claims 35-43, 45 and 46-57 are withdrawn from further consideration pursuant to 37 C.F.R. §1.142(b), as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made without traverse.
3. The preliminary amendment filed on June 06, 2002 is acknowledged.
4. Claims 1-57 are currently pending.

Information Disclosure Statement

5. The Information Disclosure Statement filed on 24 March 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-34 and 44 are rejected under 35 U.S.C. 102(b) as anticipated by Walker et al. (US Patent No. 5,794,207) ("Walker").

Referring to claim 1, Walker discloses the following:

a) receiving buying request data (central controller-200) representing a buying order and a buying condition (provide condition-530) for the encryption key (within database-290) for the encrypted digital data (digital goods), the buying request data being transmitted through the communication network (electronic network) (Fig.2, 5, C8, L42-49, C9, L1-67, C11, L41-51-central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer);

b) receiving selling request data (central controller-200) representing a selling request and a selling condition for the encryption key (within database-290) for the encrypted digital data (digital goods), the selling request data being transmitted through the communication network (electronic network) (Fig.9, 10, 14 and C8, L42-49 –central controller receiving selling request data with selling condition from a seller);

c) deciding a transaction price for the encryption key for the digital data (digital goods) corresponding to the received buying request data and the selling request data (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and

d) concluding buying transactions and transactions corresponding to the decided transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 2, Walker further discloses storing information with respect to the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 3, Walker further discloses publicizing information with respect to the selling and the buying transactions through the communication network (C8, L42-44, C12, L3-7 –communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 4, Walker further discloses wherein a use of the digital data has been limited (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 5, Walker further discloses wherein the digital data is character data (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 7, Walker further discloses wherein the digital data is audio data (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 8, Walker further discloses wherein the digital data is program data of a game (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 9, Walker further discloses storing the digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 10, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to the decided transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 11, Walker further discloses wherein the decided transaction price is stored in a device that performs a process for the concluding of the selling transactions and the buying transactions as time elapses (C12, L54-67 –data stores in data storage device-250).

Referring to claim 12, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to information regarding people concerned with the selling transactions (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 13, Walker further discloses wherein the information regarding the people concerned contains identification information and personal information of the people (Fig 11, C8, L28-41, C8, L57-65 –identify the buyers information).

Referring to claim 14, Walker further discloses publicizing at least part of information regarding a process for the concluding of the selling transactions and the buying transactions through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 15, Walker further discloses wherein at least part of information regarding a process for the concluding of the selling transactions and the buying transactions is stored and the stored information is rewritten (C12, L54-67 –data stores in data storage device-250).

Referring to claim 16, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying price (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 17, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction execution date

(C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 18, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction settlement method (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 19, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling price (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 20, Walker further discloses wherein [seller side] seller-side data that represents the selling condition is data regarding a selling transaction execution date(C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 21, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling transaction settlement method (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an

unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 22, Walker further discloses settling concluded selling transactions and buying transactions and generating data with respect to a paying and receiving process corresponding to a settled result (C9, L17-30 and C34, Claim 23 – when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 23, Walker further discloses rewriting asset information of personal information of people concerned with settled selling transactions and buying transactions to pay and receive the transaction price with respect to the selling transactions and the buying transactions (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 24, Walker further discloses wherein the digital data have been encrypted to limit a use of the digital data; and the digital data are converted into data used by a process performed with auxiliary digital data corresponding to the digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 25, Walker further discloses wherein the transaction price is decided for the auxiliary digital data (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 26, Walker further discloses storing the auxiliary digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 27, Walker further discloses wherein the conclusion of the selling transactions and the buying transactions is performed corresponding to identification information of the auxiliary digital data (Fig 11, C8, L28-41, C8, L57-65 – identify the buyers information).

Referring to claim 28, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of buyer-side data and a number of seller-side data with respect to the digital data and the auxiliary digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 29, Walker further discloses wherein the number of the buyer-side data and the number of the seller-side data with respect to the digital data and the

Art Unit: 3621

auxiliary digital data are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as [the] time elapses (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 30, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of the digital data and a number of the auxiliary digital data supplied and received (C12, L8-20 –number of goods receive).

Referring to claim 31, Walker further discloses wherein the number of the digital data and the number of the auxiliary digital data supplied and received are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (C12, L54-67 –data stores in data storage device-250).

Referring to claim 32, Walker further discloses the following:

a) a number and contents of buyer-side data and a number and contents of seller-side data corresponding to the digital data and the auxiliary digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited); and

b) a number of the digital data and a number of the auxiliary digital data supplied and received (C12, L8-20 –number of goods receive); and

c) reading the number of the buyer-side data and the number of the seller-side data corresponding to the digital data and the auxiliary digital data and the number of the digital data and the number of the auxiliary digital data supplied and received, the number of the buyer-side data, the number of the seller-side data, the number of the digital data, and the number of the auxiliary digital data having been stored (C12, L54-67 –data stores in data storage device-250); and

d) deciding a transaction price corresponding to the data read in the reading step (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are parted to a legally binding contact).

Referring to claim 33, Walker further discloses transmitting the digital data and the auxiliary digital data regarding the concluded selling transactions and buying transactions to a buyer with respect to the concluded selling transactions and buying transactions through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 44, Walker discloses the following:

a) receiving buyer-side data that represents a buying order for the digital data and a buying condition through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller);

b) receiving seller-side data that represents a selling order for the digital data and a selling condition through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller);

c) deciding a transaction price of the digital data corresponding to a number and contents of the buyer-side data and a number and contents of the seller-side data (C12, L54-67 –data stores in data storage device-250); and

d) concluding the selling transactions and the buying transactions corresponding to the transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent No. 5,794,207) ("Walker") in view of Fan (US Patent No.: 6,580,820 B1) ("Fan").

Referring to claim 6, Walker does not expressly disclose wherein the digital data is picture data.

Fan discloses wherein the digital data is picture data (C2, L1-15 –digital image is a picture data which could be printable).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Walker to include the step(s) taught by Fan as discussed above in order to provide a better prove for a person for the eCommerce transaction.

10. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Statuses information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

Art Unit: 3621

Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal
April 4, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621